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The Public Defender Commission thanks all public defenders, public defender boards, judges, and Indiana citizens who submitted public comment related to Standard J: Caseloads and to the Guideline for Standard G when there is not a comparable prosecutorial salary on which to base compensation. The Commission reviewed each comment that was submitted.

At the December 15, 2021, meeting the Commission heard both pros and cons to the proposed changes and the proposed timelines for those changes. The Commission approved all proposed changes, with the exceptions of the following two items:

- Life Without Parole (LWOP) appeal four-quarter maximums were originally proposed to be, for a 1.0 FTE attorney, 20 for inadequately staffed and 25 for adequately staffed. **These were changed to the ABA recommendation of 15 on a four-quarter basis regardless of staffing level.**
- The date by which each county is expected to comply with the new standard and guideline changes was originally proposed for January 1, 2023. **The Commission is providing additional time, if a county wishes to have it, and will be requiring compliance by January 1, 2024.**

The final change to the Guideline that accompanies Standard G is as follows:

For counties where there is no position in the prosecutor’s office corresponding with a position in the public defenders’ office a full-time (1.0 FTE) salaried or contract public defender must be paid not less than \$80,000 and a half-time salaried or contract public defender not less than \$40,000. Full and part time public defenders are defined as such by the number of cases assigned in a 12-month period. If a county does not want to contract for a full-time public defender at \$80,000, then the caseload should be reduced so as not to exceed the percentage of the public defenders’ compensation compared to \$80,000 or the compensation of the deputy prosecutor in a similar position. Effective 1/1/24.

The Commission’s Standard J final changes are illustrated in the two charts below:

Appeals:

	CURRENT		PROPOSED	
	Inadequate	Adequate	Inadequate	Adequate
Trial Appeal	20	25		
Plea Appeal	40	50		
LWOP Appeal			15	15
Appeal			40	50

All Other Case Types:

	CURRENT		PROPOSED	
	Inadequate	Adequate	Inadequate	Adequate
MR	100	120	15	20
L1/L2	100	120	50	65
L3/L4	100	120	80	100
L5	100	120	100	120
L6	150	200	150	200
L6 Exclusive Atty	225	270	150	200
CM	300	400	300	400
JD MR	200	250	15	20
JD Waiver	200	250	50	65
JD L1-4	200	250	100	120
JD L5*	200	250	220	275
JD L6*	250	300	220	275
JD CM**	300	400	300	375
JM**	400	500	300	375
JD Prob	400	500	400	500
JS	400	500	400	500
JC	120	150	120	150
JT	120	150	120	150
Adult. Prob. Viol.	300	400	300	400
Non-Reimb. Other	300	400	300	400
*JD L5/L6 were grouped together, but currently have different standards				
**JD CM/JM were grouped together, but currently have different standards				